

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

ROSA PAGNOZZI
a.k.a. Rosa Valley
9221 Sweetdale Court
Sacramento, CA 95829

Registered Nurse License No. 613939

Respondent

Case No. 2008-57

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on September 4, 2008.

IT IS SO ORDERED August 5, 2008.

LaTranene W Tate

President
Board of Registered Nursing
Department of Consumer Affairs
State of California

EDMUND G. BROWN JR., Attorney General
of the State of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General
ELENA L. ALMANZO, State Bar No. 131058
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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ROSA PAGNOZZI
aka Rosa Valley
9221 Sweetdale Court
Sacramento, CA 95829
Registered Nurse No. 613939

Respondent.

Case No. 2008-57

OAH No. 2008020640

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
the Board of Registered Nursing. She brought this action solely in her official capacity and is
represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
by Elena L. Almanzo, Deputy Attorney General.

2. Respondent Rosa Pagnozzi (Respondent) is represented in this proceeding
by attorney Anthony McClaren, whose address is 1912 I Street, Sacramento, CA 95814.

3. On or about February 18, 2003, the Board of Registered Nursing issued
Registered Nurse No. 613939 to Rosa Pagnozzi (Respondent). Said license will expire
August 31, 2008, unless renewed.

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9. Respondent agrees that her Registered Nurse license is subject to discipline and she agrees to be bound by the Board of Registered Nursing (Board) 's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, and except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse No. 613939 issued to Respondent Rosa Pagnozzi (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for two (2) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other

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1 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
2 and enforceable to the fullest extent permitted by law.

3 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
4 A full and detailed account of any and all violations of law shall be reported by Respondent to
5 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
6 compliance with this condition, Respondent shall submit completed fingerprint forms and
7 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
8 as part of the licensure application process.

9 **Criminal Court Orders:** If Respondent is under criminal court orders, including
10 probation or parole, and the order is violated, this shall be deemed a violation of these probation
11 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

12 2. **Comply with the Board's Probation Program.** Respondent shall fully
13 comply with the conditions of the Probation Program established by the Board and cooperate
14 with representatives of the Board in its monitoring and investigation of the Respondent's
15 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
16 within no more than 15 days of any address change and shall at all times maintain an active,
17 current license status with the Board, including during any period of suspension.

18 Upon successful completion of probation, Respondent's license shall be fully
19 restored.

20 3. **Report in Person.** Respondent, during the period of probation, shall
21 appear in person at interviews/meetings as directed by the Board or its designated
22 representatives.

23 4. **Residency, Practice, or Licensure Outside of State.** Periods of
24 residency or practice as a registered nurse outside of California shall not apply toward a reduction
25 of this probation time period. Respondent's probation is tolled, if and when she resides outside
26 of California. Respondent must provide written notice to the Board within 15 days of any change
27 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
28 returning to practice in this state.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

5. **Submit Written Reports.** Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

1 7. **Employment Approval and Reporting Requirements.** Respondent
2 shall obtain prior approval from the Board before commencing or continuing any employment,
3 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
4 performance evaluations and other employment related reports as a registered nurse upon request
5 of the Board.

6 Respondent shall provide a copy of this Decision to her employer and immediate
7 supervisors prior to commencement of any nursing or other health care related employment.

8 In addition to the above, Respondent shall notify the Board in writing within
9 seventy-two (72) hours after she obtains any nursing or other health care related employment.
10 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
11 terminated or separated, regardless of cause, from any nursing, or other health care related
12 employment with a full explanation of the circumstances surrounding the termination or
13 separation.

14 8. **Supervision.** Respondent shall obtain prior approval from the Board
15 regarding Respondent's level of supervision and/or collaboration before commencing or
16 continuing any employment as a registered nurse, or education and training that includes patient
17 care.

18 Respondent shall practice only under the direct supervision of a registered nurse
19 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
20 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
21 are approved.

22 Respondent's level of supervision and/or collaboration may include, but is not
23 limited to the following:

24 (a) Maximum - The individual providing supervision and/or collaboration is
25 present in the patient care area or in any other work setting at all times.

26 (b) Moderate - The individual providing supervision and/or collaboration is in
27 the patient care unit or in any other work setting at least half the hours Respondent works.

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1 (c) Minimum - The individual providing supervision and/or collaboration has
2 person-to-person communication with Respondent at least twice during each shift worked.

3 (d) Home Health Care - If Respondent is approved to work in the home health
4 care setting, the individual providing supervision and/or collaboration shall have person-to-
5 person communication with Respondent as required by the Board each work day. Respondent
6 shall maintain telephone or other telecommunication contact with the individual providing
7 supervision and/or collaboration as required by the Board during each work day. The individual
8 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
9 site visits to patients' homes visited by Respondent with or without Respondent present.

10 9. **Employment Limitations.** Respondent shall not work for a nurse's
11 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
12 traveling nurse, or for an in-house nursing pool.

13 Respondent shall not work for a licensed home health agency as a visiting nurse
14 unless the registered nursing supervision and other protections for home visits have been
15 approved by the Board. Respondent shall not work in any other registered nursing occupation
16 where home visits are required.

17 Respondent shall not work in any health care setting as a supervisor of registered
18 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
19 nurses and/or unlicensed assistive personnel on a case-by-case basis.

20 Respondent shall not work as a faculty member in an approved school of nursing
21 or as an instructor in a Board approved continuing education program.

22 Respondent shall work only on a regularly assigned, identified and predetermined
23 worksite(s) and shall not work in a float capacity.

24 If Respondent is working or intends to work in excess of 40 hours per week, the
25 Board may request documentation to determine whether there should be restrictions on the hours
26 of work.

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1 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
2 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
3 than six months prior to the end of her probationary term.

4 Respondent shall obtain prior approval from the Board before enrolling in the
5 course(s). Respondent shall submit to the Board the original transcripts or certificates of
6 completion for the above required course(s). The Board shall return the original documents to
7 Respondent after photocopying them for its records.

8 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
9 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
10 amount of \$3,000. Respondent shall be permitted to pay these costs in a payment plan approved
11 by the Board, with payments to be completed no later than three months prior to the end of the
12 probation term. The parties understand that Respondent has filed for bankruptcy protection.
13 Should Respondent obtain a discharge of the Board's costs of \$3,000 in the bankruptcy
14 proceedings and provides satisfactory proof of the discharge to the Board, the parties agree that
15 the cost recovery term shall be deemed fulfilled.

16 If Respondent has not complied with this condition during the probationary term,
17 and Respondent has presented sufficient documentation of her good faith efforts to comply with
18 this condition, and if no other conditions have been violated, the Board, in its discretion, may
19 grant an extension of Respondent's probation period up to one year without further hearing in
20 order to comply with this condition. During the one year extension, all original conditions of
21 probation will apply.

22 12. **Violation of Probation.** If Respondent violates the conditions of her
23 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
24 aside the stay order and impose the stayed discipline (revocation) of Respondent's license.

25 If during the period of probation, an accusation or petition to revoke probation has
26 been filed against Respondent's license or the Attorney General's Office has been requested to
27 prepare an accusation or petition to revoke probation against Respondent's license, the

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1 probationary period shall automatically be extended and shall not expire until the accusation or
2 petition has been acted upon by the Board.

3 13. **License Surrender.** During Respondent's term of probation, if she ceases
4 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
5 probation, Respondent may surrender her license to the Board. The Board reserves the right to
6 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
7 take any other action deemed appropriate and reasonable under the circumstances, without
8 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
9 will no longer be subject to the conditions of probation.

10 Surrender of Respondent's license shall be considered a disciplinary action and
11 shall become a part of Respondent's license history with the Board. A registered nurse whose
12 license has been surrendered may petition the Board for reinstatement no sooner than the
13 following minimum periods from the effective date of the disciplinary decision:

14 (1) Two years for reinstatement of a license that was surrendered for any
15 reason other than a mental or physical illness; or

16 (2) One year for a license surrendered for a mental or physical illness.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Anthony McClaren. I understand the stipulation and the effect it will have on my Registered Nurse license. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 5/16/08

Rosa Pagnozzi
ROSA PAGNOZZI (Respondent)
Respondent

I have read and fully discussed with Respondent Rosa Pagnozzi the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 5/16/08

Anthony K. McClaren
ANTHONY MCCLAREN
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: May 16, 2008

EDMUND G. BROWN JR., Attorney General
of the State of California

ARTHUR D. TAGGART
Supervising Deputy Attorney General



ELENA L. ALMANZO
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SA2006100792
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Exhibit A

Accusation No. 2008-57

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of the State of California
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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2008-57

ROSA PAGNOZZI,
a.k.a. ROSA VALLEY
9221 Sweetdale Court
Sacramento, CA 95829

A C C U S A T I O N

Registered Nurse License No. 613939

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

2. On or about February 18, 2003, the Board issued Registered Nurse License Number 613939 to Rosa Pagnozzi, also known as Rosa Valley ("Respondent"). Respondent's registered nurse license was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2008, unless renewed.

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COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

9. At all times herein mentioned, Respondent was employed as a registered nurse at Kindred Hospital - Sacramento (hereinafter "Kindred Hospital"), a skilled nursing facility located in Folsom, California.

10. On or about May 2, 2003, patient James G., a 54-year old male with a history of oxygen dependent emphysema, was admitted to Kindred Hospital after catching his oxygen cannula on fire while smoking cigarettes. The patient's admission diagnoses included respiratory failure, advanced emphysema, acute chronic carbon dioxide retention with respiratory acidosis, status post inhalation lung injury, first degree burns on the face, status post mechanical ventilation, gastroesophageal reflux disease, rhinitis, elevated mean corpuscular volume, thrombocytopenia, elevated carboxyhemoglobin level, evidence of prior granulomatous disease on chest x-ray, and bilateral pneumonia.

11. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct. On or about May 5, 2003, while assigned to care for patient James G., Respondent was guilty of gross negligence within the meaning of Regulation 1442, as follows: Respondent failed to adequately monitor James G. by leaving the patient alone on a commode while he was receiving a breathing treatment. James G. was a confused patient who had been medicated with a hypnotic for sleep and had been showing signs of respiratory distress.

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1 c. Respondent violated patient James G.'s right to have his pain adequately
2 assessed and managed. On or about May 5, 2003, at approximately 20:00 hours, Respondent
3 charted that the patient's pain was 4 out of 10 on the pain scale, but took no action to further
4 investigate or treat the patient's pain (the patient had an order for Tylenol every 6 hours).

5 d. Respondent made inaccurate and inconsistent entries in patient James G.'s
6 chart or medical records, including, but not limited to, the following:

7 1. Respondent charted that the patient was confused, but then charted
8 that he was independently oriented to person, place, and time.

9 2. On or about May 5, 2003, at approximately 20:00 hours,
10 Respondent charted that the patient had no bowel movements for that day and that the
11 patient denied having diarrhea. In fact, the patient had at least 2 diarrhea bowel
12 movements earlier that day (between approximately 09:35 hours and 11:35 hours).
13 Further, the patient had a diarrhea stool at approximately 22:30 hours (on May 5, 2003).

14 3. Respondent charted that the patient had good independent
15 mobility, but then charted that his gait was unsteady. Further, Respondent gave the
16 patient a score of "1" on the activity score on the Braden Scale for Predicting Pressure
17 Sore Risk, indicating that the patient was confined to bed or bedfast. In fact, the patient
18 was able to walk and bear his own weight.

19 4. Respondent charted that the patient's pain was 4 out of 10 on the
20 pain scale, yet failed to note any follow-up interventions or reassessment of the patient's
21 pain.

22 5. After finding the patient on the floor without a pulse and
23 respirations at 23:04 hours on May 5, 2003, Respondent charted that a code was called
24 at 23:57 hours. In fact, the code was called at approximately 23:05 hours and was
25 stopped at 23:57 hours.

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1 PRAYER

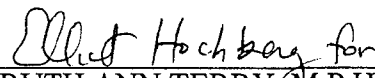
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 613939, issued
5 to Rosa Pagnozzi, also known as Rosa Valley;

6 2. Ordering Rosa Pagnozzi, also known as Rosa Valley, to pay the Board of
7 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
8 pursuant to Business and Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 8/20/07.

11 
12 RUTH ANN TERRY, M.P.H., R.N.
13 Executive Officer
14 Board of Registered Nursing
15 Department of Consumer Affairs
16 State of California
17 Complainant
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